

3474602
10-26-04

City of Lake Elmo
Washington County, Minnesota

Resolution No. 2004-091

**A RESOLUTION GRANTING A VARIANCE TO LOT AREA
AND FOR A MINOR SUBDIVISION TO**

**Donald J. Tauer and Joan E. Tauer
AND
Walter Pechan**

WHEREAS, Donald J. Tauer of Animal Inn, has made application to the City of Lake Elmo for a Variance to Lot Size for a Minor Subdivision pursuant to Section 400.11 and under Section 300.07 Subd.4.A.4. (Table) of the Lake Elmo Municipal Code to combine the following two parcels of land:

- 8633 34th Street, generally described as Property I.D. No. 16.029.21.42.0005
- 8611 34th Street, generally described as Property I.D. No. 16.029.21.42.0004

And then subdivide a small area to be consolidated with a third parcel located at:

- 8603 34th Street, generally described as Property I.D. No. 16029.21.42.0002.

(Legal Descriptions Attached)

WHEREAS, the Lake Elmo Planning Commission considered this Variance and Minor Subdivision request at its October 13, 2004 meeting, and recommended that the Variance and Minor Subdivision be granted in accordance with the following Findings:

1. The property cannot be put to reasonable use without the granting of the variances requested. Reasonable use can here be defined in the context of historic approval Limited Business parcel area well below the minimum area today required in the Limited Business district.
2. The variance requested results from circumstances unique to these properties where land divisions were approved prior to adoption of City zoning and subdivision regulations, and the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood.

WHEREAS, the Lake Elmo City Council reviewed the Variance and Minor Subdivision at its October 19, 2004 meeting.

NOW, THEREFORE, BE IT RESOLVED that a Variance to lot size and a Minor Subdivision is hereby granted by the City Council to Donald Tauer resulting in the following parcels:

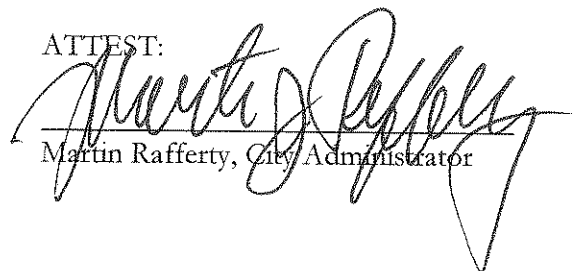
**Proposed Descriptions:
PARCEL A and PARCEL B
(Legal Descriptions Attached)**

ADOPTED by the Lake Elmo City Council this 19th day of October, 2004.



Lee Hunt, Mayor

ATTEST:



Martin Rafferty, City Administrator

SURVEY OF

(Document No. 284956) - PID 16.029.21.42.0002

All that part of the West Half of the Southeast Quarter (W1/2 of SE1/4) of Section Sixteen (16), Township Twenty-nine (29) North, Range Twenty-one (21) West, described as follows:

Commencing at the intersection of the Westerly line of said Southeast Quarter (SE1/4) with the Southerly right-of-way line of State Trunk Highway No. 212, the point of beginning of the parcel to be described, thence South zero degrees, twenty-one minutes, thirty seconds (0°21'30") West along said westerly line One Hundred Seventy-five (175) feet; thence East Five Hundred Ten (510) feet; thence North 0°21'30" East One Hundred Seventy-five (175) feet to a point in said Southerly right-of-way line; thence West along said right-of-way line Five Hundred Ten (510) feet to the point of beginning and containing Two and Five-hundredths (2.05) acres, more or less.

Subject to an easement for advertising purposes over and on the Northerly Fifteen (15) feet of the Easterly Fifteen (15) feet of the foregoing described parcel;

Together with a perpetual easement for roadway purposes across a strip of land Eighty (80) feet wide, being the Easterly eighty (80) feet of the Westerly Five Hundred Ninety (590) feet between the said southerly right-of-way of said Trunk Highway No. 212 and the southerly line of the above described parcel extended easterly.

(Document No. 326854) - PID 16.029.21.42.0004

That part of the West 1/2 of the Southeast 1/4 of Section 16, T29N, R21W described as follows: Commencing at the intersection of the West line of the W1/2 of the SE1/4 with the southerly right of way line of State Trunk Highway 212, said right of way line being parallel to and 100 feet southerly from the center of the East bound lane as being used, thence on an assumed bearing S1°21'30"W along said West line of the W1/2 of the SE1/4 for 175 feet to the point of beginning of the parcel to be described, thence continuing S0°21'30"W along said West line of the W1/2 of SE1/4 for 175 feet to a point, thence N90°00'E for 510 feet to a point, thence N0°21'30"E 175 feet to a point, thence N90°00'W for 510 feet to the point of beginning, containing 2.05 acres more or less; together with a perpetual easement for roadway purposes across the Easterly 80 feet of the Westerly 590 feet lying between the Southerly line of State Trunk Highway 212 and the Southerly line of the above described parcel extended easterly.

PID 16.029.21.42.0005

(Document No. 917938 - Parcel 4)

That part of the West Half of the Southeast Quarter of Section 16, Township 29, Range 21, described as follows: Commencing at the intersection of the West line of said Southeast Quarter, with the Southerly right of way line of State Trunk Highway No. 212, said right of way being parallel to and 100 feet from the center line of the East bound lane as being used, thence North 90 degrees 00 minutes East along said right of way line 510 feet to the point of beginning of the parcel to be described; thence continuing North 90 degrees 00 minutes East along said Southerly right of way for 80 feet to a point; thence South 0 degrees 21 minutes 30 seconds West 350 feet to a point; thence North 90 degrees 00 minutes West parallel with said Southerly right of way for 80 feet to a point; thence North 0 degrees 21 minutes 30 seconds East for 350 feet to the point of beginning containing 0.63 acres more or less.

AND

(Document No. 3325363 - LAND GRANT, 1. Conveyance to Tauer)

That part of the East 63.2 feet of the West 653.2 feet of the West half of the Southeast Quarter of Section 16, Township 29, Range 21, lying Southerly of the Southerly right-of-way line of State Trunk Highway No. 212 as monumented and lying Northerly of the following described line:

Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 16; thence South 0 degrees 06 minutes 31 seconds West (assumed bearing) 1189.85 feet along the East line of the West half of the Southeast Quarter of said section to the point of beginning of the line to be described; thence North 87 degrees 25 minutes 48 seconds West 599.61 feet; thence South 89 degrees 46 minutes 16 seconds West 131.73 feet to the intersection with the East line of the West 590 feet of said Southeast Quarter and there terminating.

Except therefrom the land now owned by Tauer.

PROPOSED LEGAL DESCRIPTIONS

PARCEL A

All that part of the West Half of the Southeast Quarter (W1/2 of SE1/4) of Section Sixteen (16), Township Twenty-nine (29) North, Range Twenty-one (21) West, described as follows:

Commencing at the intersection of the Westerly line of said Southeast Quarter (SE1/4) with the Southerly right-of-way line of State Trunk Highway No. 212, the point of beginning of the parcel to be described, thence South zero degrees, twenty-one minutes, thirty seconds (0°21'30") West along said westerly line One Hundred Seventy-five (175) feet; thence East Five Hundred Ten (510) feet; thence North 0°21'30" East One Hundred Seventy-five (175) feet to a point in said Southerly right-of-way line; thence West along said right-of-way line Five Hundred Ten (510) feet to the point of beginning and containing Two and Five-hundredths (2.05) acres, more or less.

Subject to an easement for advertising purposes over and on the northerly Fifteen (15) feet of the Easterly Fifteen (15) feet of the foregoing described parcel;

Together with a perpetual easement for roadway purposes across a strip of land Eighty (80) feet wide, being the Easterly eighty (80) feet of the Westerly Five Hundred Ninety (590) feet between the said southerly right-of-way of said Trunk Highway No. 212 and the southerly line of the above described parcel extended easterly.

AND

That part of the West Half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West, Washington County, Minnesota described as follows:

Commencing at the intersection of the west line of said West Half of the Southeast Quarter and the southerly line of State Trunk Highway 5, said line lying 100.00 feet southerly, as measured at a right angle, and parallel with the center line of the east bound lane of said State Trunk Highway 5, as monumented; thence South 00 degrees 05 minutes 47 seconds West, bearing oriented to the Washington County Coordinate System, NAD83, along said west line of the West Half of the Southeast Quarter, a distance of 175.00 feet to the point of beginning; thence continue South 00 degrees 05 minutes 47 seconds West, along said west line, 175.00 feet; thence North 89 degrees 44 minutes 17 seconds East 151.95 feet; thence North 06 degrees 02 minutes 37 seconds East 176.06 feet to the intersection with a line which bears North 89 degrees 44 minutes 17 seconds East from the point of beginning, said

point located 170.20 feet easterly of the point of beginning, as measured along said line; thence South 89 degrees 44 minutes 17 seconds West along said line 170.20 feet to the point of beginning, containing 0.65 acres, more or less.

PARCEL B

That part of the West Half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West, Washington County, Minnesota described as follows:

Commencing at the intersection of the west line of said West Half of the Southeast Quarter and the southerly line of State Trunk Highway 5, said line lying 100.00 feet southerly, as measured at a right angle, and parallel with the center line of the east bound lane of said State Trunk Highway 5, as monumented; thence South 00 degrees 05 minutes 47 seconds West, bearing oriented to the Washington County Coordinate System, NAD83, along said west line of the West Half of the Southeast Quarter, a distance of 175.00 feet to a point hereinafter referred to as Point A; thence continue South 00 degrees 05 minutes 47 seconds West, along said west line, 175.00 feet; thence North 89 degrees 44 minutes 17 seconds East 151.95 feet to the point of beginning; thence continue North 89 degrees 44 minutes 17 seconds East 358.05 feet; thence North 00 degrees 05 minutes 47 seconds East, parallel with said west line of the West Half of the Southeast Quarter, a distance of 175.00 feet to the intersection with a line which bears North 89 degrees 44 minutes 17 seconds East from aforesaid Point A; thence South 89 degrees 44 minutes 17 seconds West, along said line 339.80 feet to a point distant 170.20 feet from aforesaid Point A, as measured along said line; thence South 06 degrees 02 minutes 37 seconds West 176.06 feet to the point of beginning, containing 1.40 acres, more or less.

AND

That part of the West Half of the Southeast Quarter of Section 16, Township 29, Range 21, described as follows: Commencing at the intersection of the West line of said Southeast Quarter, with the Southerly right of way line of State Trunk Highway No. 212, said right of way being parallel to and 100 feet from the center line of the East bound lane as being used, thence North 90 degrees 00 minutes East along said right of way line 510 feet to the point of beginning of the parcel to be described; thence continuing North 90 degrees 00 minutes East along said Southerly right of way for 80 feet to a point; thence South 0 degrees 21 minutes 30 seconds West 350 feet to a point; thence North 90 degrees 00 minutes West parallel with said Southerly right of way for 80 feet to a point; thence North 0 degrees 21 minutes 30 seconds East for 350 feet to the point of beginning containing 0.63 acres more or less.

AND

That part of the East 63.2 feet of the West 653.2 feet of the West half of the Southeast Quarter of Section 16, Township 29, Range 21, lying Southerly of the Southerly right-of-way line of State Trunk Highway No. 212 as monumented and lying Northerly of the following described line:

Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 16; thence South 0 degrees 06 minutes 31 seconds West (assumed bearing) 1189.85 feet along the East line of the West half of the Southeast Quarter of said section to the point of beginning of the line to be described; thence North 87 degrees 25 minutes 48 seconds West 599.61 feet; thence South 89 degrees 46 minutes 16 seconds West 131.73 feet

to the intersection with the East line of the West 590 feet of said Southeast Quarter and there terminating.